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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

FLSMIDTH WADGASSEN GMBH,

Plaintiff,

v.

BEUMER MASCHINENFABRIK GMBH,
KOCH MATERIAL HANDLING GMBH,
KOCH HOLDING A.S., and BEUMER
CORPORATION,

Defendants.

CIVIL ACTION FILE

NO. 11-cv-7495 (FLW) (DEA)

**[PROPOSED] ORDER GRANTING BEUMER CORPORATION'S
MOTION TO DISMISS THE COMPLAINT OF FLSMIDTH WADGASSEN
GMBH**

THIS MATTER, having been opened to the Court by Defendant Beumer Corporation, through counsel, for an entry of an Order Granting Beumer Corporation's Motion pursuant to Federal Rules of Civil Procedure 12(b)(1) and

(b)(6) to Dismiss the Complaint of FLSmidth Wadgassen GmbH (“Motion”), and Plaintiff, through counsel, having been heard in Opposition to the Motion, and the Court having considered the submissions in support of and in opposition to the Motion,

IT IS on this _____ day of _____, 2012

ORDERED that Beumer Corporation’s Motion to Dismiss the Complaint of Plaintiff FLSmidth Wadgassen GmbH pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) be and hereby is **DENIED**.

Hon. Freda L. Wolfson, U.S.D.J.